

Conference Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 270

HOUSE BILL 2363

AN ACT

AMENDING SECTION 3-1203, ARIZONA REVISED STATUTES; AMENDING SECTION 3-1203, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTIONS 3-1291, 3-1292, 3-1308 AND 3-1332, ARIZONA REVISED STATUTES; AMENDING SECTION 3-1332, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; AMENDING SECTIONS 3-1336 AND 3-1346, ARIZONA REVISED STATUTES; AMENDING SECTION 3-1346, ARIZONA REVISED STATUTES, AS AMENDED BY THIS ACT; RELATING TO LIVESTOCK.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 3-1203, Arizona Revised Statutes, is amended to read:

3-1203. General powers and duties; civil penalties

A. The director or his THE DIRECTOR'S authorized representative shall exercise general supervision over the livestock interests of the state, protect the livestock industry from theft and the livestock and poultry industries from contagious and infectious diseases and protect the public from diseased and unwholesome meat products.

B. The director may, with the advice of the state veterinarian, make rules to control and govern:

1. Importation of animals and poultry into the state, establishment of quarantine and its boundaries, notice of quarantine and accomplishment of all things necessary to effect the object of the quarantine and to protect the livestock and poultry industries from and prevent the spread of contagious or infectious diseases.

2. Slaughter of animals and poultry affected with contagious or infectious diseases and disposition of carcasses of animals and poultry so slaughtered, when the action appears necessary to prevent the spread of contagion or infection among livestock and poultry.

3. Importation, manufacture, sale, distribution or use within the state of serums, vaccines and other biologics intended for diagnostic or therapeutic treatment of animals and poultry, and the importation, manufacture or use of virulent blood or living virus of diseases affecting animals and poultry.

C. The director may:

1. Enter into agreements with neighboring states including agreements regarding the use of livestock officers or livestock inspectors or other agency resources for the purpose of enforcement of livestock laws within this state or within border areas of neighboring states.

2. Waive inspections, service charges or inspection fees under this chapter in cases he THE DIRECTOR deems advisable.

3. Direct employees or peace officers to execute his THE DIRECTOR'S orders under this chapter.

D. The director may adopt by rule a MANDATORY self-inspection program for moving livestock from one location to another, ~~in this state~~ AND MAY PROVIDE FOR THE PRIVATE TREATY SALE OF SELF-INSPECTED LIVESTOCK. The associate director shall monitor compliance with the requirements of the self-inspection program and shall periodically examine self-inspection records, INCLUDING LIVESTOCK INVENTORY RECORDS THAT VERIFY THE ORIGIN, SHIPMENT OR SALE OF LIVESTOCK. For just cause the director may suspend OR MODIFY the self-inspection privileges AUTHORIZATION of feedlots, dairies and producers. A person who knowingly violates the requirements of the self-inspection program shall be placed on administrative probation by the director for a period of one year. If a subsequent violation occurs during

1 the period of probation, the person shall be brought before an administrative
2 law judge and is subject to a civil penalty of two hundred dollars per
3 violation, and his THE self-inspection privileges AUTHORIZATION shall be
4 revoked for a period of three years. The director may review any order of
5 the administrative law judge and shall review each order involving subsequent
6 violations during a period of probation pursuant to title 41, chapter 6,
7 article 10. The period of a sanction imposed under this subsection begins
8 on the date of determination of the violation at a hearing. Civil penalties
9 imposed under this subsection shall be deposited PURSUANT TO SECTIONS 35-146
10 AND 35-147, in the state general fund.

11 E. The director may establish a central investigation group to
12 investigate reports of crimes related to livestock. Livestock officers and
13 other employees of the department shall report all cases of apparent crimes
14 related to livestock to the associate director. The investigation group
15 shall cooperate and coordinate its activities with appropriate federal, state
16 and local law enforcement agencies in apprehending and prosecuting violators
17 of livestock laws.

18 Sec. 2. Section 3-1203, Arizona Revised Statutes, as amended by
19 section 1 of this act is amended to read:

20 3-1203. General powers and duties; civil penalties

21 A. The director or the director's authorized representative shall
22 exercise general supervision over the livestock interests of the state,
23 protect the livestock industry from theft and the livestock and poultry
24 industries from contagious and infectious diseases and protect the public
25 from diseased and unwholesome meat products.

26 B. The director may, with the advice of the state veterinarian, make
27 rules to control and govern:

28 1. Importation of animals and poultry into the state, establishment
29 of quarantine and its boundaries, notice of quarantine and accomplishment of
30 all things necessary to effect the object of the quarantine and to protect
31 the livestock and poultry industries from and prevent the spread of
32 contagious or infectious diseases.

33 2. Slaughter of animals and poultry affected with contagious or
34 infectious diseases and disposition of carcasses of animals and poultry so
35 slaughtered, when the action appears necessary to prevent the spread of
36 contagion or infection among livestock and poultry.

37 3. Importation, manufacture, sale, distribution or use within the
38 state of serums, vaccines and other biologics intended for diagnostic or
39 therapeutic treatment of animals and poultry, and the importation,
40 manufacture or use of virulent blood or living virus of diseases affecting
41 animals and poultry.

42 C. The director may:

1 1. Enter into agreements with neighboring states including agreements
2 regarding the use of livestock officers or livestock inspectors or other
3 agency resources for the purpose of enforcement of livestock laws within this
4 state or within border areas of neighboring states.

5 2. Waive inspections, service charges or inspection fees under this
6 chapter in cases the director deems advisable.

7 3. Direct employees or peace officers to execute the director's orders
8 under this chapter.

9 D. The director may adopt by rule a mandatory self-inspection program
10 for moving livestock from one location to another, ~~and may provide for the~~
11 ~~private treaty sale of self-inspected livestock~~ IN THIS STATE. The associate
12 director shall monitor compliance with the requirements of the
13 self-inspection program and shall periodically examine self-inspection
14 records, including livestock inventory records that verify the origin,
15 shipment or sale of livestock. For just cause the director may suspend or
16 modify the self-inspection authorization of feedlots, dairies and producers.
17 A person who knowingly violates the requirements of the self-inspection
18 program shall be placed on administrative probation by the director for a
19 period of one year. If a subsequent violation occurs during the period of
20 probation, the person shall be brought before an administrative law judge and
21 is subject to a civil penalty of two hundred dollars per violation, and the
22 self-inspection authorization shall be revoked for a period of three years.
23 The director may review any order of the administrative law judge and shall
24 review each order involving subsequent violations during a period of
25 probation pursuant to title 41, chapter 6, article 10. The period of a
26 sanction imposed under this subsection begins on the date of determination
27 of the violation at a hearing. Civil penalties imposed under this
28 subsection shall be deposited pursuant to sections 35-146 and 35-147, in the
29 state general fund.

30 E. The director may establish a central investigation group to
31 investigate reports of crimes related to livestock. Livestock officers and
32 other employees of the department shall report all cases of apparent crimes
33 related to livestock to the associate director. The investigation group shall
34 cooperate and coordinate its activities with appropriate federal, state and
35 local law enforcement agencies in apprehending and prosecuting violators of
36 livestock laws.

37 Sec. 3. Section 3-1291, Arizona Revised Statutes, is amended to read:

38 3-1291. Bill of sale required in transfer of livestock

39 Upon the sale or transfer of livestock, EXCEPT DAIRY CALVES UNDER
40 THIRTY DAYS OF AGE, delivery of the animals shall be accompanied by a written
41 and acknowledged bill of sale from the vendor to the purchaser.

1 Sec. 4. Section 3-1292, Arizona Revised Statutes, is amended to read:
2 3-1292. Sale of livestock without lawful brand, bill of sale or
3 power of attorney; classification; defenses

4 A person who knowingly sells or offers for sale or trade livestock upon
5 ~~which such person has not his~~ WITHOUT THE PERSON'S recorded brand, or for
6 ~~which he~~ THE PERSON has neither a bill of sale, AS PROVIDED BY SECTION
7 3-1291, nor power of attorney from the owner authorizing the sale, is guilty
8 of a class 5 felony, unless the person proves that ~~he was~~ at the THAT time
9 THE PERSON WAS the owner, ~~or that he acted by direction of the owner,~~ or
10 ~~that he acted in good faith.~~

11 Sec. 5. Section 3-1308, Arizona Revised Statutes, is amended to read:
12 3-1308. Evidence of illegal possession of livestock

13 Upon trial of a person charged with unlawful possession, handling,
14 driving or killing of livestock, the possession under claim of ownership
15 without a written and acknowledged bill of sale, AS PROVIDED BY SECTION
16 3-1291, is prima facie evidence against the accused that the possession is
17 illegal.

18 Sec. 6. Section 3-1332, Arizona Revised Statutes, is amended to read:
19 3-1332. Method, place and time of inspecting livestock

20 A. Livestock officers and inspectors shall inspect livestock, other
21 than equine previously inspected pursuant to section 3-1344 and livestock
22 subject to authorized self-inspection, for health, marks and brands at
23 loading stations, at places of exit from the state and at places where
24 livestock are gathered to be sold, slaughtered, transported, conveyed,
25 shipped or driven from their range for any purpose ~~whatever except when~~
26 ~~livestock are being moved from pasture to a destination in this state and no~~
27 ~~change of ownership, slaughter or other disposition is involved and the owner~~
28 ~~is utilizing self-inspection approved by the division under section 3-1203.~~
29 Livestock officers and inspectors need not inspect outgoing livestock from
30 feed lots, dairies and producers utilizing self-inspection pursuant to
31 section 3-1203 but may conduct periodic inspections to ascertain compliance
32 with this article.

33 B. Feed lots, dairies and producers utilizing self-inspection approved
34 by the division under section 3-1203 shall comply with the applicable
35 provisions of this section and procedures established by the division.

36 C. Brand inspections shall be made by daylight and in a manner which
37 enables the livestock officer or inspector personally to see, inspect and
38 record each and every mark and brand. Inspections of livestock for health
39 at a slaughterhouse may be made by other than daylight if adequate artificial
40 light is provided.

41 D. Upon being advised that livestock is subject to inspection,
42 livestock officers and inspectors shall arrange for the inspection of the
43 livestock and inspect such livestock within twelve hours.

44 E. The animal services division, the plant industries division and the
45 office of inspections shall cooperate to provide livestock inspections at

1 border inspection stations or department offices and to train appropriate
2 personnel to perform these inspections. Employees of the plant industries
3 division acting under this subsection do not have enforcement powers
4 otherwise granted to livestock officers. In the case of an apparent
5 discrepancy, disease or other problem a livestock officer or inspector
6 employed by the animal services division shall be called on to make a final
7 inspection and determination. The associate director of the animal services
8 division shall assign at least one livestock officer or inspector to be on
9 call from each office operated by the plant industries division under this
10 subsection.

11 Sec. 7. Section 3-1332, Arizona Revised Statutes, as amended by
12 section 6 of this act is amended to read:

13 3-1332. Method, place and time of inspecting livestock

14 A. Livestock officers and inspectors shall inspect livestock, other
15 than equine inspected pursuant to section 3-1344 and livestock subject to
16 authorized self-inspection, for health, marks and brands at loading stations,
17 at places of exit from the state and at places where livestock are gathered
18 to be sold, slaughtered, transported, conveyed, shipped or driven from their
19 range for any purpose WHATEVER EXCEPT WHEN LIVESTOCK ARE BEING MOVED FROM
20 PASTURE TO A DESTINATION IN THIS STATE AND NO CHANGE OF OWNERSHIP, SLAUGHTER
21 OR OTHER DISPOSITION IS INVOLVED AND THE OWNER IS UTILIZING SELF-INSPECTION
22 APPROVED BY THE DIVISION UNDER SECTION 3-1203. Livestock officers and
23 inspectors need not inspect outgoing livestock from feed lots, dairies and
24 producers utilizing self-inspection pursuant to section 3-1203 but may
25 conduct periodic inspections to ascertain compliance with this article.

26 B. Feed lots, dairies and producers utilizing self-inspection approved
27 by the division under section 3-1203 shall comply with the applicable
28 provisions of this section and procedures established by the division.

29 C. Brand inspections shall be made by daylight and in a manner which
30 enables the livestock officer or inspector personally to see, inspect and
31 record each and every mark and brand. Inspections of livestock for health at
32 a slaughterhouse may be made by other than daylight if adequate artificial
33 light is provided.

34 D. Upon being advised that livestock is subject to inspection,
35 livestock officers and inspectors shall arrange for the inspection of the
36 livestock and inspect such livestock within twelve hours.

37 E. The animal services division, the plant industries division and the
38 office of inspections shall cooperate to provide livestock inspections at
39 border inspection stations or department offices and to train appropriate
40 personnel to perform these inspections. Employees of the plant industries
41 division acting under this subsection do not have enforcement powers
42 otherwise granted to livestock officers. In the case of an apparent
43 discrepancy, disease or other problem a livestock officer or inspector
44 employed by the animal services division shall be called on to make a final
45 inspection and determination. The associate director of the animal services

1 division shall assign at least one livestock officer or inspector to be on
2 call from each office operated by the plant industries division under this
3 subsection.

4 Sec. 8. Section 3-1336, Arizona Revised Statutes, is amended to read:
5 3-1336. Inspection of livestock to be slaughtered, sold or
6 transported; fee; violation; classification

7 A. Except as otherwise provided in this section, livestock, other than
8 equines previously inspected pursuant to section 3-1344 and livestock
9 inspected at feedlots or dairies pursuant to section 3-1337, shall not be
10 slaughtered, sold, purchased, driven, transported, shipped or conveyed unless
11 the animals have been inspected by a livestock officer or inspector for
12 health, brands and marks before they are slaughtered, sold, purchased,
13 driven, transported, shipped or conveyed and the inspection fee paid.

14 B. The owner or agent of the owner of the livestock to be slaughtered,
15 sold, driven, transported, shipped or conveyed as provided in subsection A
16 of this section shall notify the nearest livestock officer or inspector of
17 that intention.

18 C. Equines consigned to either licensed Arizona livestock auctions or
19 other special auctions approved by the department from out of state or from
20 Indian reservations in this state or from other state or federal agencies
21 without prior inspection shall be inspected on delivery at an auction.
22 Auction buyers of these equines shall obtain a new ownership and hauling
23 certificate within thirty days pursuant to section 3-1344. All equines sold
24 at auctions shall be inspected out on an inspection certificate or auction
25 invoice and the seller shall pay a one dollar per head fee.

26 D. Equines bearing the registered brand of the owners from points of
27 origin in this state which do not have an ownership and hauling certificate
28 shall be inspected before being transported to an auction or to immediate
29 slaughter on an inspection form provided by the department. The seller shall
30 pay a fee of one dollar per head and a service charge of three dollars.

31 E. All livestock sold at auctions shall be inspected out on an
32 inspection certificate or auction invoice validated by the department.
33 Equines may be transported within this state on either document for thirty
34 days after purchase at auctions described in this section.

35 F. The owner or producer of livestock excluding equines may slaughter
36 or transport to another person to slaughter such livestock without having the
37 animal inspected and without paying the inspection fee or service charge if
38 the meat of such slaughtered livestock is solely for home consumption by such
39 owner providing that such owner contacts a livestock officer or inspector
40 within a forty-eight hour period prior to slaughter and is able to establish
41 proof of ownership either by a prior inspection certificate, by a recorded
42 brand on the animal or that the animal was raised by said owner, and the hide
43 is inspected as provided for in section 3-2011. If proof of ownership cannot
44 be established to the satisfaction of the livestock officer or inspector then

1 the livestock officer or inspector may require an inspection prior to
2 slaughter.

3 G. The associate director may waive an inspection for brands and marks
4 before the slaughter of an animal if a federal or state meat inspector on the
5 premises certifies on a form provided by the department that, as determined
6 by an antemortem inspection, the animal is in a distressed condition and for
7 humane reasons should be slaughtered immediately if it is otherwise fit for
8 slaughter and if the hide, carcass and certification are segregated and held
9 pending inspection for brands and marks. The associate director may waive
10 inspections under this subsection only for individual animals, and a separate
11 certification shall be made for each animal.

12 H. Livestock officers or inspectors shall not inspect livestock for
13 health before they are slaughtered at an establishment which is subject to
14 federal meat inspections as provided under chapter 13 of this title.

15 I. A person violating any provision of this section is guilty of a
16 class 3 misdemeanor.

17 Sec. 9. Section 3-1346, Arizona Revised Statutes, is amended to read:

18 3-1346. Seasonal inspection for exhibition livestock; fee

19 A. Seasonal inspection certificates may be issued, UNDER THE
20 SELF-INSPECTION PROGRAM, for exhibition livestock for any purpose other than
21 slaughter, sale or trade. The fee for a seasonal brand inspection
22 certificate is five dollars plus fifty cents per head of livestock in excess
23 of ten.

24 B. ~~A livestock officer or inspector shall issue a seasonal inspection~~
25 ~~certificate on the request of the livestock's owner or his agent.~~ The
26 certificate shall state the date of issuance, the sex, color and breed, the
27 brand or brands and their location and any other identifying marks and the
28 name of the owner of the livestock. The words "seasonal brand inspection"
29 shall be written across the face of the certificate.

30 C. The certificate is valid for the calendar year of the date of
31 issuance and shall accompany the livestock while in transit.

32 Sec. 10. Section 3-1346, Arizona Revised Statutes, as amended by
33 section 9 of this act is amended to read:

34 3-1346. Seasonal inspection for exhibition livestock; fee

35 A. Seasonal inspection certificates may be issued, ~~under the~~
36 ~~self-inspection program,~~ for exhibition livestock for any purpose other than
37 slaughter, sale or trade. The fee for a seasonal brand inspection certificate
38 is five dollars plus fifty cents per head of livestock in excess of ten.

39 B. A LIVESTOCK OFFICER OR INSPECTOR SHALL ISSUE A SEASONAL INSPECTION
40 CERTIFICATE ON THE REQUEST OF THE LIVESTOCK'S OWNER OR THE OWNER'S
41 AGENT. The certificate shall state the date of issuance, the sex, color and
42 breed, the brand or brands and their location and any other identifying marks
43 and the name of the owner of the livestock. The words "seasonal brand
44 inspection" shall be written across the face of the certificate.

1 C. The certificate is valid for the calendar year of the date of
2 issuance and shall accompany the livestock while in transit.

3 Sec. 11. Delayed effective date

4 Sections 2, 7 and 10 of this act, are effective from and after June 30,
5 2004.

6 Sec. 12. Mandatory livestock self-inspection program; report

7 The director of the Arizona department of agriculture shall prepare and
8 issue a report by December 1, 2003 analyzing the application, use and effect
9 of the mandatory livestock self-inspection program as modified by this act
10 as it affects animal health, ownership and theft prevention, enforcement and
11 field implementation throughout this state. The report shall include
12 conclusions and recommendations relating to the mandatory self-inspection
13 program. The report shall be submitted to the governor, the president of the
14 senate and the speaker of the house of representatives. The Arizona
15 department of agriculture shall also provide a copy of the report to the
16 secretary of state and the director of the Arizona state library, archives
17 and public records.

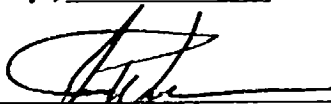
APPROVED BY THE GOVERNOR MAY 21, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2002.

Passed the House March 18, 2002,

by the following vote: 48 Ayes,

6 Nays, 6 Not Voting

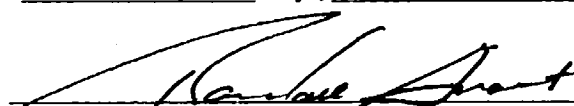

Speaker of the House

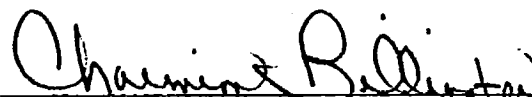

Chief Clerk of the House

Passed the Senate April 10, 2002,

by the following vote: 28 Ayes,

1 Nays, 1 Not Voting


President of the Senate


Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2363

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 15, 20 02,

by the following vote: 54 Ayes,

3 Nays, 3 Not Voting

[Signature]
Speaker of the House

Norman L. Moore
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 16, 20 02,

by the following vote: 26 Ayes,

1 Nays, 3 Not Voting

[Signature]
President of the Senate

Chasmin Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 17 day of May, 20 02

at 8:45 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 21 day of

May, 20 02,

at 1:44 o'clock P M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of May, 20 02

at 12:13 o'clock P M.

[Signature]
Secretary of State

H.B. 2363